

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTOPHER KING, et al.,

**Plaintiffs,**

CASE NO. C17-0031-RSM

V.

JUDGE STANLEY J. RUMBAUGH,

Defendant.

## REPORT AND RECOMMENDATION

Plaintiff Chris Nubbe filed a motion to proceed *in forma pauperis* (IFP) on appeal. (Dkt.

16 39.) However, plaintiff failed to submit the proper IFF form. *See* Fed. R. App. P. 24(a)(1)(A)  
17 (party must submit affidavit showing “in the detail prescribed by Form 4 of the Appendix of Forms  
18 [to the Federal Rules of Appellate Procedure (FRAP)] the party’s inability to pay or to give security  
19 for fees and costs[.]”) Also, while indicating on the form submitted that he has no income, no  
20 sources of money, and no cash on hand or money in checking or savings accounts, plaintiff failed  
21 to explain how he meets his more than \$1,200.00 in monthly expenses. (Dkt. 39.)

22 By Order dated July 11, 2017, the Court directed plaintiff to submit a completed application  
23 to proceed IFP on appeal, and directed the Clerk to send plaintiff a copy of Form 4 of the Appendix

1 of Forms to the FRAP. (Dkt. 43.) The Order stated the Court was unable to consider plaintiff's  
2 request to proceed IFP on appeal unless he provided, on the proper form, complete and detailed  
3 information as to his financial status. If plaintiff has no means of support, he must explain how he  
4 is able to meet basic monthly expenses, including food and shelter. The Court further advised that  
5 failure to complete and return the proper form within twenty days could result in denial of the  
6 application.

7 To date, the Court has not received a response to its Order or a proper IFP application from  
8 plaintiff. Accordingly, the Court recommends the motion to proceed IFP on appeal (Dkt. 39) be  
9 DENIED. The Court further recommends that, pursuant to FRAP 24(a)(4)(A), the Clerk be  
10 directed to notify the parties and the Ninth Circuit Court of Appeals of the denial of the motion to  
11 proceed IFP on appeal.

12 DEADLINE FOR OBJECTIONS

13 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
14 served upon all parties to this suit within **fourteen (14) days** of the date on which this Report and  
15 Recommendation is signed. Failure to file objections within the specified time may affect your  
16 right to appeal. Objections should be noted for consideration on the District Judge's motions  
17 calendar for the third Friday after they are filed. Responses to objections may be filed within  
18 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be  
19 ready for consideration by the District Judge on September 8, 2017.

20 DATED this 21st day of August, 2017.

21  
22   
23 Mary Alice Theiler  
United States Magistrate Judge